

THE DWI COURT REPORTER

A Publication by the  **NCDC**
NATIONAL CENTER
FOR DWI COURTS

Get the Home COURT Advantage!!

Questions about DWI Courts? What does the research say? Find pictures and videos of DWI Court events. Get the latest NCDC publications or download TA forms.

Go to
www.DWICourts.org

Inside This Issue

National DWI Court Leadership Award Presented to ADA Thad Toups 2

The Graduate Corner—A Start Over in Life 2

Idaho Finds Success with Restricted Driving Opportunities 4

A Snapshot of a DWI Court in Pennsylvania 5

Applications Still Being Taken for DWI Court Training in 2012 6

What's In Your Library? Useful Publications for DWI Courts 8

ONDCP, NADCP AND DRUGGED DRIVING—A NATIONAL RESPONSE

**By: R. Gil Kerlikowske
Director, Office of National
Drug Control Policy
(ONDCP)**

Over the last few years, better data has emerged on just how common it is for individuals to drive after taking drugs. As someone who has spent his entire career in law enforcement, I can personally attest to the tragedy brought about by drunk drivers, but until the past few years, we were unaware of the extent of drugged driving. The numbers are dramatic. In a 2007 roadside survey conducted by the Department of

Transportation (DOT), one in eight nighttime, weekend drivers tested positive for an illicit drug.¹ This number rose to one in six when pharmaceuticals with the potential to affect driving ability (i.e., opioid pain relievers, tranquilizers, sedatives, and stimulants) were included. Additionally, according to the most recent Monitoring the Future (MTF) Study—the Nation's largest survey of drug use among young people—one in eight high school seniors reported that in the two weeks prior to



ONDCP Director Gil Kerlikowske

the survey, they had driven after smoking marijuana, a 14 percent increase over 2008.² These figures

(Continued on page 6)

MARYLAND DWI COURT VISITED BY NTSB AND NHTSA

Outside a courthouse in Ellicott City, Maryland the skies had opened up, pouring rain causing flooding and crashes of thunder being heard across the area. Yet, inside the courthouse, nice and dry, a group of VIP visitors had the opportunity to see a DWI Court in action. National Transportation Safety Board (NTSB) Member Dr. Mark Rosekind, and Diane Wigle, the new Chief of the Impaired

(Continued on page 9)



Dr. Mark Rosekind, NTSB; Ms. Diane Wigle, NHTSA; DWI Court Judge Axel, with some of his team; and the other visitors to see a DWI Court in action.

NATIONAL DWI COURT LEADERSHIP AWARD PRESENTED TO ADA THAD TOUPS

Each year, the National Center for DWI Courts recognizes a person that has contributed to the advancement of the nation's DWI Court effort with the DWI Court Leadership Award. This award shines a spotlight of commendation on an individual or organization that through their tireless efforts have saved countless lives and made their community a safer place. The person must have demonstrated significant personal leadership and exemplary performance. This year, the NCDC recognized Assistant District Attorney Thad Touns.

Mr. Touns has clearly demonstrated leadership and exemplary performance in his home state of Louisiana. An assistant district attorney for over 28 years, he is one of the "Founding Fathers" for the DWI Court in Lafourche Parish, Louisiana which started in 1999.

Since that time, he has been working with the court on a daily basis.

In addition, his leadership was not limited to just a local endeavor. Mr. Touns is a founding member of the Board of Directors for the Louisiana Association of Drug Court Professionals and he has been involved with the Louisiana District Attorneys' Association as President of the Assistant District Attorneys Section.

One of the nominations declared: "Thad is a man of genuine conviction for the rightness of DWI Court. He is honest, fair, disciplined and conscientious – an admired leader and partner."

When Mr. Touns learned of the award, his comment was how very honored he was to receive it, as the DWI Court and the work it does is very close to his heart.



**Assistant District Attorney
Thad Touns and NCDC
Director David Wallace**

Mr. Touns has been a visionary for his home state of Louisiana, working to make DWI Courts an essential component in the fight against drunk driving, and ensuring that where he lives is a safer place for him, his family, and the members of his community.

THE GRADUATE CORNER—A START OVER IN LIFE

***Editor's Note:** What follows was read by a DWI Court graduate at a recent graduation. If you have the opportunity, I highly recommend that you go to a graduation and see what is possible.*
DJW

While in DWI Court, I have accomplished and gone through many things. Some happy times, some sad times, some tough times, and some even tougher times. I have gained and lost some things that are very important to me, but never my sobriety.

I used to say prior to all this, that I loved life, I just hated mine. I remember hating to go to sleep or pass out because I knew the next day; I would have to do it all over again. I

hated waking up because I already knew how the night would end.

One of the things I am most grateful for today is I don't wake up with that dreaded feeling of wanting to die. And for the longest time, that was the only feeling that I had. I realize now, that I was more afraid of living than I was of dying.

I feel like I got to start over in life. I became a mother to a 5 year old and a 3 year old. My parents had a thirty year old daughter. My brother and sister found that they had a

(Continued on page 3)

THE GRADUATE CORNER—A START OVER IN LIFE

(Continued from page 2)

sister. My husband of 9 years finally got to meet his wife. I even got myself a job again, and to my surprise, I actually get along with, and like my boss! I have got close to some wonderful people who are just as crazy and silly as me, but without the drugs and alcohol. My bank account isn't in the negative anymore and my bills are still paid.

But to go along with all the positives, I also suffered a great loss. On March 15, 2011, my dad passed away from cancer. Had I been using I wouldn't have been able to be at the hospital for the last 2 months with him, or on that final night when he passed away. I also wouldn't have been able to help my mom with the funeral

planning, and there is no way I would have been able to go up and speak for my dad at his funeral. I am so grateful that we got to spend the

last year together while I was sober. And I know that is all my dad really wanted for me. I really wish he could have been here for my graduation from this program, but I know he is proud of me.

I feel like I got to start over in life. I became a mother to a 5year old and a 3 year old. My parents had a thirty year old daughter. My brother and sister found that they had a sister. My husband of 9 years finally got to meet his wife.

I learned to ask for help in this program. I am not afraid to do so anymore. I love to help people, so when people offer to help me, I take them up on it. It hasn't always been easy either. Not having a license made things difficult at first, and the kids ended up going with me to counseling or meetings more than once. But my family has been great in helping me get there. We all completed the program.

I guess if I had any advice to anyone coming into this program, or just

starting, it would be to "stay honest" (at all costs)! Even if you get yourself into trouble for it. It feels so good today to not have to lie. And if you need help, just ask. I had help with rides, finding community service, and getting information to help with the funeral. The team really wants us to do well. We just have to want it, too!

I am so much happier with my life now than the way I was "living" before.



I know that as long as I stay sober, I can achieve anything. And today, I want it all. I want to teach my kids to live happy and healthy, help hurting people, and spread drug and alcohol awareness. Because addiction has no standards. It

doesn't matter if you are male or female, young or old, rich or poor, it will take you no matter what. And it will destroy you. People often say, when they 'pick up', they lose everything. Well, I gave it away. I knew and I know what will happen if I pick back up. I am tired of giving away my soul and all my possessions. I discovered I like those things and I want to keep them.

I would just like to thank everybody for helping me get here. My family, the team, my friends, my counselor, my sponsor, my spiritual advisor, my AA's, and my DWI group. It has been a long road, and bumpy at times, but there is nothing I would change. I am grateful for the opportunity and the life I am proud to say is mine.

Now smiling...*Graduate's Name Withheld*

IDAHO FINDS SUCCESS WITH RESTRICTED DRIVING OPPORTUNITIES FOR DWI COURT PARTICIPANTS

By: *Norma Jaeger*
Idaho State Drug Court Coordinator

Current Idaho law requires that repeat DWI offenders serve a complete license suspension of at least one year with no driving privileges whatever. Until June 6, 2008, federal law required that the one year absolute suspension of driving privileges be imposed on repeat DWI offenders in order for a state to avoid a transfer of a portion of its federal highway funds. The amendment in 2008 of that federal requirement enabled Idaho's Legislature to pass legislation allowing Drug Courts, including the five dedicated DWI Courts, to develop procedures to grant limited driving privileges to those in compliance with the conditions of participation in these courts.



The Idaho Legislation

The legislation allows issuance of a restricted driving permit to those repeat DWI offenders who

- have served an absolute suspension of at least 45 days,
- are in good standing in the Drug or DWI Court,

- provide proof of liability insurance in the amounts required by law, and
- whose vehicles are equipped with an ignition interlock system.

The limited driving privileges can be used only for the purposes of getting to and from work, attending school, or participating in an alcohol treatment program, including the required court participation.

A Positive Response

This restricted driving permit provision has been implemented quite widely throughout the state and has proven very popular with prospective DWI Court participants. Such applicants are clearly advised that the restricted permit must be earned through their diligent participation in all court ordered treatment and other activities and is conditional upon their ongoing compliance. This legal driving option has facilitated successful DWI and Drug Court participation in a state with virtually no public transportation and major geographical distances. However, there are significant barriers to participants actually taking advantage of the opportunity for the permit, including the costs associated with the insurance requirement and with the interlock system, as well as the rigorous requirements of participation in the

court. As a result, less than 75 such permits have been issued in nearly two years of operation. Clearly the Idaho Drug and DWI Courts have taken their responsibility of issuing such permits very seriously and the courts monitor

This restricted driving permit provision has been implemented quite widely throughout the state and has proven very popular with prospective DWI Court participants.

continuing compliance very closely. There have been no problematic events reported with persons driving with

the permits although some permits have been cancelled by courts, either permanently or temporarily.

While the majority of the courts using the system are dedicated DWI Courts, other Drug Courts also use the restricted driving permit on occasion, particularly since many felony Drug Courts are receiving an increasing number of felony DWI cases. This increase has resulted from Idaho changing the statute, making the third DWI conviction in ten years, rather than five years, a felony.

Other Benefits

The overall restricted driving permit process has been so well received and such an effective opportunity for compliant participants that in the most recent legislative session, eligibility for restricted driving privileges was extended to participants in good standing in the ten Idaho Mental Health

(Continued on page 9)

A SNAPSHOT OF A DWI COURT IN PENNSYLVANIA

*By: Scott Kerstetter
Adult Probation Officer*

The 17th Judicial District of Pennsylvania began operating a DWI Treatment Court on January 13, 2010. The impetus for the DWI Court was the large percentage of local criminal justice resources being spent on DWI offenders. Our local jurisdiction was successful in securing training and grant monies in 2008 to begin operation of a Drug Court so the transition to DWI Court was not problematic. We attended training offered by the National Center for DWI Courts in September 2009. Our program consists of three phases with the entire program lasting 12 to 18 months. The program targets repeat DWI offenders all within specific tiers of Pennsylvania's DWI laws.

Components of our Court include participation in a Victim Impact Panel, mandatory community service, use of SCRAM bracelets for 8 months, appropriate substance abuse treatment and intensive supervision. As of March 1, 2011, we have accepted 27 offenders into DWI Court. Two participants have been removed for program violations. DWI Court participants have performed 2511 hours of community service since January 13, 2010. DWI Court participants have been successful in

returning to the workforce with 18 of 25 participants employed. Treatment is a cornerstone of our program and attendance at sessions for DWI Court participants is 98%. There has also been 97% compliance with drug/alcohol testing. The DWI Court has saved 3,749 jail days in the first 13 months of operation through the use of SCRAM bracelets/Electronic Monitoring, and more importantly, we have celebrated the birth of a drug/alcohol free baby.

The operation of both a Drug and DWI Court in our area was at the behest of Union County Commissioner Preston Boop. He had attended a training seminar at which a Treatment Court graduate had given

their testimonial regarding the life changes they had made.

Commissioner Boop returned to Union County and spoke with then President Judge Harold F.

Woelfel, Jr, who

reluctantly agreed to explore the idea of implementing a Treatment Court in Snyder and Union Counties. Site visits were scheduled with nearby Treatment Courts. After visiting other Courts and attending training provided by NADCP and the Administrative

Office of Pennsylvania Courts, Snyder and Union Counties began operating a joint Judicial District Drug Court in



Union County Court House in Pennsylvania

2008 and added DWI Court in January 2010. We have contracted with the Treatment Research Institute to conduct both Process and Outcome Evaluations of our DWI Court. The Process Evaluation will be released in July 2011. Our court uses the Treatment Research Institute-Court Evaluation Program (TRI-CEP) for data collection and case management.

On March 30, 2011, we celebrated our first graduation ceremony with 4 participants successfully completing program requirements. In order to graduate, participants have to be treatment compliant, have stable housing, have employment or viable income, have resolved all pending legal matters and be drug/alcohol free.

For additional information about the 17th Judicial District Treatment Court please visit www.treatmentcourt.org.

The Union County DWI Court has saved 3,749 jail days in the first 13 months of operation through the use of SCRAM bracelets/Electronic Monitoring, and more importantly, we have celebrated the birth of a drug/alcohol free baby.

Applications Still Being Taken for DWI Court Training in 2012

The National Center for DWI Courts (NCDC) and the National Highway Traffic Safety Administration (NHTSA) are still taking applications for next year's (Calendar Year 2012) DWI Court training. The solicitation has been sent to state Drug Court points of contact and the Drug Court Coordinators in each State, and it is on the [NCDC website](#). The application is specific as to the types of training offered.

Each SHSO will determine which teams will be provided with funding to attend the training and then forward this information to NHTSA, Enforcement and Justice Services Division, by facsimile or email.

The application requests that the Judge of the team provide a Letter of Commitment. The SHSO should provide this information in the application.

Selection of Teams

NCDC will be working with NHTSA to coordinate the logistics for the training sessions. NCDC will locate the hotels, secure the meeting rooms, and provide the materials. The teams that are selected for the training will be notified in late Fall of 2011, in order to make plans on their court calendars and travel arrangements. The training



Judge McMillen facilitates one of the breakout sessions for a new team.

sessions are slated to begin in March 2012. [Click here for a copy of the application.](#)

If you have any questions about the DWI Court training, please contact Brian Chodrow at the NHTSA, Enforcement

and Justice Services Division at (202) 366-9765 or David Wallace at NCDC – (703) 575-9400 or dwallace@nadcp.org, or go to the NCDC website at: www.dwicourts.org The application can be located under the Resources tab, and then under Training.

ONDCP, NADCP AND DRUGGED DRIVING—A NATIONAL RESPONSE

(Continued from page 1)

highlight the worrying fact that too many people do not understand how dangerous it can be to drive after taking drugs, or to get in a car with driver who has just used drugs. Of all drivers fatally injured in car crashes with known test results, one in three tested positive for drugs.³ These numbers leave us with one option: to act now. The long-standing campaign against drunk driving highlights how effective a well-crafted national response can be in saving lives, and the Administration is



committed to a similar effort against drugged driving.

I commend the National Association of Drug Court Professionals (NADCP) for its recent resolution

recognizing the importance of drugged driving as a national issue. [See *page 10 for more information on the NADCP resolution.*] By taking this step, NADCP is contributing to this national effort to reduce drugged driving. The Administration has made combating drugged driving a priority of its drug policy efforts and has set a goal of

reducing the prevalence of drugged driving by 10 percent by 2015. ONDCP is leading a coalition of Federal, state, non-profit, and industry organizations to highlight this problem and reduce its prevalence on our roads.

Expanding drugged driving prevention initiatives is a critical first step in achieving these goals. By raising awareness of drugged driving and its dangers, we can help prevent unnecessary death and injury. ONDCP is encouraging states to include questions on drugged driving in driver's license exams. We are also connecting to young people and their communities through our Drug Free Community coalitions (DFCs), in an effort to

(Continued on page 7)

ONDCP, NADCP AND DRUGGED DRIVING—A NATIONAL RESPONSE

(Continued from page 6)

educate the public about drugged driving. The Administration is also working to gather more drugged driving data to better define the problem and craft policy solutions.

One critical step is the adoption of state-level laws to address drugged driving. Every state has a law prohibiting driving after consuming drugs, however state laws vary dramatically. Unlike alcohol, which has a very clear relationship between impairment and blood alcohol content (BAC), there is no way to establish a “safe” level of impairment for drugs. The sheer variety of drugs can affect people differently based on factors such as tolerance, weight, metabolism, as well as drug-drug or alcohol-drug combinations. For this reason, and because use of any illicit drug is illegal under Federal law, ONDCP supports the passage of *per se* legislation to make it illegal to drive after consuming illicit drugs.

As a strong signal to both drivers and law enforcement, we must clarify laws regarding driving after consuming drugs and provide law enforcement with the tools it needs to effectively detect and prosecute drugged drivers. Thus far, 17 states have *per se* or zero tolerance statutes, which designate the presence of any illegal drug in a driver’s body as *per se* evidence of impaired driving. ONDCP is working to expand the use of this standard to

other states, and we need your support to get this done.

Domestic law enforcement agencies are also partners in our effort to reduce the prevalence of drugged driving. The National Highway Traffic Safety Administration ([NHTSA](#)) and ONDCP are funding the development of an online version of the Advanced Roadside Impaired Driving Enforcement (ARIDE) program. ARIDE bridges key gaps in the

“I commend the National Association of Drug Court Professionals (NADCP) for its recent resolution recognizing the importance of drugged driving as a national issue. By taking this step, NADCP is contributing to this national effort to reduce drugged driving.”

Gil Kerlikowske, Director ONDCP

training of law enforcement officers to enable them to better identify and assess drivers suspected of driving under the influence of alcohol or after consuming drugs. The online ARIDE program improves the delivery of this important training and enables trainees to become more familiar with the key points of identifying a drugged driver more quickly, to more officers, at lower costs. Trained officers can immediately use these new skills to identify and assist in removing drugged drivers from the road.

Effectively addressing the drugged driving issue requires the coordinated

efforts of law enforcement, policymaking, and prevention. ONDCP has partnered with youth and community organizations, as well as state and local law enforcement, prosecutors, courts, and Departments of Motor Vehicles (DMVs) to help educate and enhance public awareness of the alarming prevalence of drugged drivers on our roadways. Important organizations like NADCP and the National Center for DWI Courts (NCDC) are taking important leadership roles in the larger, national effort to reduce drugged driving. With your support, we can ensure the Nation’s criminal justice and court systems are equipped with the knowledge and tools needed to combat this problem. The Administration appreciates your efforts, and I look forward to working with you on this national campaign to reduce drugged driving across the country.

Footnotes

1. Lacey, J. H., Kelley-Baker, T., Furr-Holden, D., Voas, R. B., Romano, E., Ramirez, A., ...Berning, A. (2009). *2007 National roadside survey of alcohol and drug use by drivers: Drug results*. (DOT HS 811 249). Washington, DC: National Highway Traffic Safety Administration. Available: <http://www.nhtsa.gov/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/811249.pdf>
2. Unpublished data from the Monitoring the Future study.
3. National Center for Statistics and Analysis. (2010). *Traffic safety facts: Drug involvement of fatally injured drivers*. (DOT HS 811 415). Washington, DC: National Highway Traffic Safety Administration. Available: <http://www-nrd.nhtsa.dot.gov/Pubs/811415.pdf>

MARYLAND DWI COURT VISITED BY NTSB AND NHTSA

(Continued from page 1)

Driving Division at the National Highway Traffic Safety Administration ([NHTSA](#)), along with others from the NTSB, had the opportunity to observe Judge Axel and his DWI Court team in action as they worked to change the lives of the repeat DWI offenders before them.

During the court session, the visitors saw the team interact with the participants being successful in their efforts to remain sober, and they also saw a few participants slip up. But throughout the process, whether he was providing an incentive to the participant, or imposing a sanction, Judge Axel remained positive with everyone and where they were in their recovery. The rest of the team was providing continuous support and input for the DWI Court participants as well. It was a powerful display on how DWI Courts bring about change to the alcohol dependent individual. “In our program we try to address not only issues of treatment, but also try to remove barriers that have traditionally been obstacles to one’s recovery,” said Judge Axel.

It was very apparent based on what everyone saw. “After hearing and reading about the unique and comprehensive approach used by DWI Courts, seeing one in action exceeded all of our expectations,” said Dr. Rosekind. “There was a clear team, with each member contributing their particular expertise, both in the service of the individual and the court. The team we observed was excellent in effectively addressing a range of complex and individual issues. The program participants articulated in very moving and meaningful ways that the DWI Court had changed their lives. All of this, in the context of the research showing that DWI Courts are effective and make a difference in addressing alcohol impaired driving . . . and we got to see it in action.”

Ms. Wigle stated: “Seeing a DWI Court in action was a compelling

experience for me—on both the professional and personal levels. I witnessed how an entire team can work together to change a participant’s life. This confirmed for me why NHTSA so strongly supports the establishment of DWI Courts.”

“After hearing and reading about the unique and comprehensive approach used by DWI Courts, seeing one in action exceeded all of our expectations.” Dr. Rosekind, NTSB Board Member.

The research has been proving that DWI Courts work, but as demonstrated here, what really provides a crucial message are the people whose

lives are being transformed. “The graduates from our program demonstrate to all of us that the cycle of addiction can be broken,” said Judge Axel. “And in doing so, lives can be changed, families strengthened, and communities improved.”

IDAHO FINDS SUCCESS WITH RESTRICTED DRIVING OPPORTUNITIES FOR DWI COURT PARTICIPANTS

(Continued from page 4)

Courts, beginning January 1, 2012. Offering an option that makes participation in a DWI, Drug or Mental Health Court more feasible and more attractive while maintaining the court’s ability to carefully monitor compliance and

thereby protect public safety has been a winning combination for this rural western state.

To read the Idaho Legislation allowing DWI Courts to provide a limited driving privilege, click [here](#).



Making Your **Community** A Safer Place

1029 North Royal Street
Suite 201
Alexandria, Virginia 22314
Phone: 703-575-9400
Fax: 703-575-9402
E-mail: dwallace@dwicourts.org



The Center is supported by a charitable contribution from Beam Global Spirits & Wine, Inc.



Useful Publications for DWI Courts

(Continued from page 8)

is remaining true to the model. Each Guiding Principle is stated with appropriate factors to be considered listed after it. This is a NCDC publication.

The Promise of DWI Court: What Does It Mean and Why Should Prosecutors Care? DWI Courts operate within a post-conviction model utilizing all criminal justice stakeholders (judges, prosecutors, defense attorneys, probation, law enforcement, and others) coupled with alcohol or drug treatment professionals. This law review article written by the NCDC Director examines DWI Courts, the reason for their success, and why prosecutors should be involved with the DWI Court in their community. This is a Chapman University School of Law publication, The Chapman Journal of Criminal Justice, Volume 2, Issue 1.

To obtain all of these publications, go to www.DWICourts.org, under the Resources heading, and then click on the Publications tab, or click on the title of the document in the article and it will open the publication.

NADCP AND DRUGGED DRIVING

“Traditionally the term “impaired driver” has referred to drivers under the influence of alcohol. Alcohol impaired drivers kill thousands of people every year. However, a person operating a motor vehicle while under the influence of a drug or medication, (including illegal drugs, prescription drugs and some over the counter medications), can be just as dangerous as someone driving while under the influence of alcohol.” NADCP Position Statement on Drugged Driving and DWI Courts.

That is how the recently passed NADCP Position Statement starts. Drugged driving is a killer, just as is alcohol impaired driving, and the NADCP Board

recognized that it is important to address individuals that drive impaired no matter what the substance that is causing the impairment by passing this resolution. The resolution, passed at the July NADCP Board meeting, calls for Drug and DWI Courts to include individuals who present a pattern of substance dependency and are convicted of DWI using substances other than alcohol.

The resolution was first drafted and supported by the NCDC DWI Court Task Force, it was then sent to the NADCP Board for its consideration and, ultimately, approval.

***“The National Association of Drug Court Professionals supports the admission of individuals who present a pattern of substance dependency and are convicted of operating under the influence of impairing substance other than alcohol into DWI Courts and Drug Courts.”
NADCP Position***